

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Eriko Takano et al.  
Serial No. : 10/017,471  
Filing Date : October 23, 2001  
Examiner : Kathleen M. Kerr, Ph.D.  
Group Art Unit : 1652  
Entitled : ANTIBIOTIC PRODUCTION

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Our File No. 0380-P02329US1

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office fax number (703) 872-9306 on the date indicated below.

September 24, 2004

Date

Caren Burgoon

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*Caren Burgoon*

Signature of Person Mailing Paper or Fee

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

A Notice of Non-Compliant Amendment (37 CFR §1.121) was issued September 15, 2004 in the above-identified patent application. The September 15th Notice set a one (1) month time period in which to re-submit the corrected section of applicant's Amendment which was filed June 21, 2004.

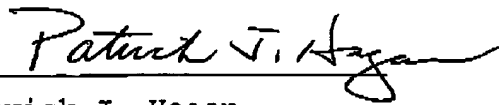
In response to the aforementioned Notice, submitted herewith is the entire "Amendment to the Claims" section of the June 21, 2004 Amendment, which complies with 37 CFR §1.121. Entry of this "Amendment to the Claims" section, which is being re-submitted before the expiration of the initial, unextended response period, is hereby requested.

In the event that a fee is required in connection with the consideration of the present amendment the Commissioner is hereby authorized to charge such fee to Deposit Account No. 04-1406.

Favorable reconsideration and allowance of this application is again respectfully requested.

Respectfully submitted,

DANN, DORFMAN, HERRELL and SKILLMAN



Patrick J. Hagan  
Reg. No. 27,643  
Attorney for Applicants

PJH:cmb

<b>FEE TRANSMITTAL</b>	<i>Complete if known</i>
	Application Number: <b>10/017,471</b>
	Filing Date: <b>October 23, 2001</b>
	First Named Inventor: <b>Eriko Takano et al.</b>
	Title: <b>ANTIBIOTIC PRODUCTION</b>
TOT. AMT. OF PAYMENT: (1) + (2) + (3) = \$ <u>0.00</u>	
Our File No.: <b>0380-P02329US1</b>	

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																								
<p>1. The Commissioner is hereby authorized to:</p> <p><input type="checkbox"/> Charge indicated fees</p> <p><input checked="" type="checkbox"/> Charge additional fees</p> <p><input checked="" type="checkbox"/> Credit overpayments</p> <p>to the account of DANN, DORFMAN, HERRELL AND SKILLMAN</p> <p>Deposit Account Number <u>04-1406</u></p> <p>2. Payment enclosed:</p> <p>Check in the amount of \$ <u>0.00</u></p>	<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>Surcharge-late filing fee or oath</td><td>_____</td></tr> <tr><td>Surcharge - late provisional filing fee or cover sheet</td><td>_____</td></tr> <tr><td>Non-English specification</td><td>_____</td></tr> <tr><td>For filing a request for reexamination</td><td>_____</td></tr> <tr><td>Requesting publication of SIR prior to Examiner action</td><td>_____</td></tr> <tr><td>Requesting publication of SIR after Examiner action</td><td>_____</td></tr> <tr><td>Extension for response within first month</td><td>_____</td></tr> <tr><td>Extension for response within second month</td><td>_____</td></tr> <tr><td>Extension for response within third month</td><td>_____</td></tr> <tr><td>Extension for response within fourth month</td><td>_____</td></tr> <tr><td>Notice of Appeal</td><td>_____</td></tr> <tr><td>Filing a brief in support of an appeal</td><td>_____</td></tr> <tr><td>Request for oral hearing</td><td>_____</td></tr> <tr><td>Petition to institute a public use proceeding</td><td>_____</td></tr> <tr><td>Petition to revive unavoidably abandoned application</td><td>_____</td></tr> <tr><td>Petition to revive unintentionally abandoned application</td><td>_____</td></tr> <tr><td>Issue fee</td><td>_____</td></tr> <tr><td>Advance Order (10 copies)</td><td>_____</td></tr> <tr><td>Publication Fee</td><td>_____</td></tr> <tr><td>Petitions to the Commissioner</td><td>_____</td></tr> <tr><td>Petitions related to provisional applications</td><td>_____</td></tr> <tr><td>Submission of Information Disclosure Stmt.</td><td>_____</td></tr> <tr><td>Recording each patent assignment per property (limits number of properties)</td><td>_____</td></tr> <tr><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td>_____</td></tr> <tr><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td>_____</td></tr> <tr><td>Other fee (specify) _____</td><td>_____</td></tr> <tr> <td colspan="2" style="text-align: right;"><b>SUBTOTAL (3) \$ _____</b></td> </tr> </tbody> </table>	Fee Description	Fee Paid	Surcharge-late filing fee or oath	_____	Surcharge - late provisional filing fee or cover sheet	_____	Non-English specification	_____	For filing a request for reexamination	_____	Requesting publication of SIR prior to Examiner action	_____	Requesting publication of SIR after Examiner action	_____	Extension for response within first month	_____	Extension for response within second month	_____	Extension for response within third month	_____	Extension for response within fourth month	_____	Notice of Appeal	_____	Filing a brief in support of an appeal	_____	Request for oral hearing	_____	Petition to institute a public use proceeding	_____	Petition to revive unavoidably abandoned application	_____	Petition to revive unintentionally abandoned application	_____	Issue fee	_____	Advance Order (10 copies)	_____	Publication Fee	_____	Petitions to the Commissioner	_____	Petitions related to provisional applications	_____	Submission of Information Disclosure Stmt.	_____	Recording each patent assignment per property (limits number of properties)	_____	Filing a submission after final rejection (37 CFR 1.129(a))	_____	For each additional invention to be examined (37 CFR 1.129(b))	_____	Other fee (specify) _____	_____	<b>SUBTOTAL (3) \$ _____</b>	
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Submitted By:

Typed or

Printed Name Patrick J. Hagan Reg. Number 27,643Signature Patrick J. HaganDate September 24, 2004

Deposit Account User ID

04-1406